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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Stephanie Clifford a.k.a.
Stormy Daniels,

Plaintiff,

v.

Donald J. Trump,

Defendant.

Case No. 2:18-cv-06893-SJO-FFM
**DEFENDANT DONALD J. TRUMP'S
EVIDENTIARY OBJECTIONS TO
DECLARATION OF MICHAEL J.
AVENATTI IN SUPPORT OF
OPPOSITION TO MOTION FOR
ATTORNEYS' FEES AND
MONETARY SANCTIONS**

Assigned for All Purposes to the
Hon. S. James Otero

Action Filed: April 30, 2018

1 Defendant Donald J. Trump objects to the Declaration of Michael J. Avenatti
 2 [ECF No. 40-1] as follows:

3	Citation	Objection	Ruling
4 5	1. Exhibit 3	Relevance, hearsay. Fed. R. Evid. 401, 402, 403, 801, 802.	Sustained: _____ Overruled: _____
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	2. Paragraph 6: “I have reviewed Mr. Trump’s Motion for Attorneys’ Fees, and am familiar with the proceedings in this action as counsel of record. Mr. Trump seeks \$341,559.50 in attorneys’ fees accounting for 509.25 hours of attorney time. Based on my experience litigating complex cases involving hundreds of millions of dollars in damages in this District and elsewhere, the proceedings in this action regarding Plaintiff’s defamation cause of action were not so complex as to justify the sheer volume of hours and money supposedly billed by Mr. Trump’s counsel. Based on my experience, the amount sought by Mr. Trump is not reasonable and is in fact excessive.”	Relevance, conclusory, argumentative, lay opinion, improper expert opinion, legal conclusion. Fed. R. Evid. 401, 402, 403, 701, 702, 703.	Sustained: _____ Overruled: _____

1	3.	Paragraph 7: “Based on my experience and knowledge of litigation in this District and elsewhere, the \$139,899 in fees based on 230.5 hours of attorney time that Mr. Trump requests in connection with the motion to strike filed in this action is not reasonable and is in fact excessive. Plaintiff’s counsel prepared the opposition to Mr. Trump’s motion in far less time. Indeed, based on the notice provided to Plaintiff, Plaintiff had roughly one week to oppose this motion. Thus, hypothetically, had an attorney in my office billed 24 hours a day for the entire week, it still would have only amounted to 168 hours of attorney time. Mr. Trump’s lawyers’ request is therefore grossly inflated and excessive.”	Relevance, conclusory, argumentative, lay opinion, improper expert opinion, legal conclusion. Fed. R. Evid. 401, 402, 403, 701, 702, 703.	Sustained: _____ Overruled: _____
21	4.	Paragraph 8: “Based on my experience and knowledge of litigation in this District and elsewhere, the \$63,975 in fees based on 88.5 hours of attorney time that Mr. Trump requests in connection with the motion to for attorneys’ fees filed in this action is already	Relevance, conclusory, argumentative, lay opinion, improper expert opinion, legal conclusion. Fed. R. Evid. 401, 402, 403, 701, 702, 703.	Sustained: _____ Overruled: _____

1	unreasonable and excessive. Yet, Mr. Trump claims he will incur even more fees and attorney time in connection with this motion. Plaintiff's counsel prepared the opposition to the motion for attorneys' fees in far less time.”		
5.	Paragraph 9: “Based on my experience and knowledge of litigation in this District and elsewhere, the \$102,977.32 in fees for over 143 hours of attorney time that Mr. Trump requests in connection with the motion to transfer filed in this action is not reasonable and is excessive. Plaintiff's counsel prepared the opposition to Mr. Trump's motion in far less time.”	Relevance, conclusory, argumentative, lay opinion, improper expert opinion, legal conclusion. Fed. R. Evid. 401, 402, 403, 701, 702, 703.	Sustained: _____ Overruled: _____
6.	Paragraph 10: “Based on my experience and knowledge of litigation in this District and elsewhere, the \$34,707.97 for 47 hours of attorney time that Mr. Trump requests in connection with ‘initial strategy’ in this action is not reasonable and is excessive.”	Relevance, conclusory, argumentative, lay opinion, improper expert opinion, legal conclusion. Fed. R. Evid. 401, 402, 403, 701, 702, 703.	Sustained: _____ Overruled: _____

1	7.	<p>Paragraph 11: “Attached hereto as Exhibit 5 is a true and correct copy of the <i>2017 Real Rate Report Snapshot</i>, a CEB publication which I understand some courts in this District rely on in determining reasonable hourly rates to assign to attorneys’ fee awards. <u>See, e.g., Hicks v. Toys’R’ Us-Delaware, Inc.</u>, No. CV13-1302-DSF JCGX, 2014 WL 4670896, at *1 (C.D. Cal. Sept. 2, 2014). I obtained this document from the Internet at https://www.wkelmsolutions.com/sites/default/files/2017_real_rate_report_snapshot_sample.pdf. This publication suggests that the rates requested by Mr. Trump’s lawyers are excessive.”</p>	<p><u>Mr. Avenatti’s Statement:</u> Relevance, conclusory, argumentative. Fed. R. Evid. 401, 402, 403, 701.</p> <p><u>Exhibit 5:</u> Foundation, authentication, exhibit incomplete and marked as a “SAMPLE”. Fed R. Evid. 602, 901, 1002, 1003.</p>	Sustained: _____ Overruled: _____
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22 Dated: November 12, 2018

HARDER LLP

23 By: /s/ Charles J. Harder
24 CHARLES J. HARDER
25 Attorneys for Defendant DONALD J. TRUMP26
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